United States Environmental Protection Agency Criminal Investigation Division Investigative Activity Report

Case Number

0606-0015

Case Title: Reporting Office:

CES Environmental Services Houston, TX Resident Office

Subject of Report: Activity Date:

Interview of TCEQ Air Inspector, (b) (6), (b) (7)(C), on February 23, February 23, 2012

2012.

Reporting Official and Date: Approving Official and Date:

(b) (6), (b) (7), SA

28-FEB-2012, Signed by: (b) (6), (b), SA

(b) (6), (b) (7), SAC 29-FEB-2012, Approved by: (b) (6), (b) (7), ASAC

SYNOPSIS

On February 23, 2012, an interview of TCEQ Inspector, (b) (6), (b) (7)(C) was completed. The interview was completed at the EDTX US Attorney's Office located at 350 Magnolia Street, Beaumont, Texas. Those present included: TCEQ Inspector (b) (6), (b) (7)(C); AUSA Joe Batte; DOJ ECS Prosecutor (b) (6), (b) (7)(C); and EPA CID SA (b) (6), (b) . Agent displayed credentials. (b) (6), (b) agreed to the interview and provided information about Port Arthur CES (PACES).

DETAILS

On February 23, 2012, an interview of TCEQ Inspector, (b) (6), (b) (7)(C) was completed. The interview was completed at the EDTX US Attorney's Office located at 350 Magnolia Street, Beaumont, Texas. Those present included: TCEQ Inspector (b) (6), (b) (7)(C); AUSA Joe Batte; DOJ ECS Prosecutor (b) (6), (b) (7)(C); and EPA CID SA (b) (6), (b) . Agent displayed credentials. (b) (6), (b) agreed to the interview and provided information about Port Arthur CES (PACES).

(b) (6), (b) is a TCEQ Inspector in the Air Section, in Beaumont, Texas. (b) (6), (b) explained what is called a Permit by Rule (PBR). A PBR can either be a claimed PBR or a registered PBR. The claimed PBR requires that the facility do exactly what the claimed PBR states the facility is doing. The registered PBR requires documents to be sent to Austin and be approved.

PACES had several claimed PBR and 2 Registered PBR that had been approved.

(b) (6), (b) stated that one PBR stated that PACES was using caustic in the process but instead PACES was using spent caustic. (b) (6), (b) stated that PACES was claiming to do one thing, and in reality was doing something different. (b) (6), (b) was not certain what would have been decided if PACES had made it clear they were using spent caustic instead of new caustic that would be up to TCEQ Engineer (b) (6), (b).

PACES PBRs' listed only one source of emissions which was subjected to an air scrubber and flare, no other source of emissions was permitted. When (b) (6). (b) inspected PACES there were many emission sources directly to the air and PACES was in violation of Texas CAA laws and their PBRs.

(b) (6), (b) stated that his understanding of the PACES process was that the incoming material at PACES came from barges. The documents related to the incoming loads that (b) (6), (b) observed

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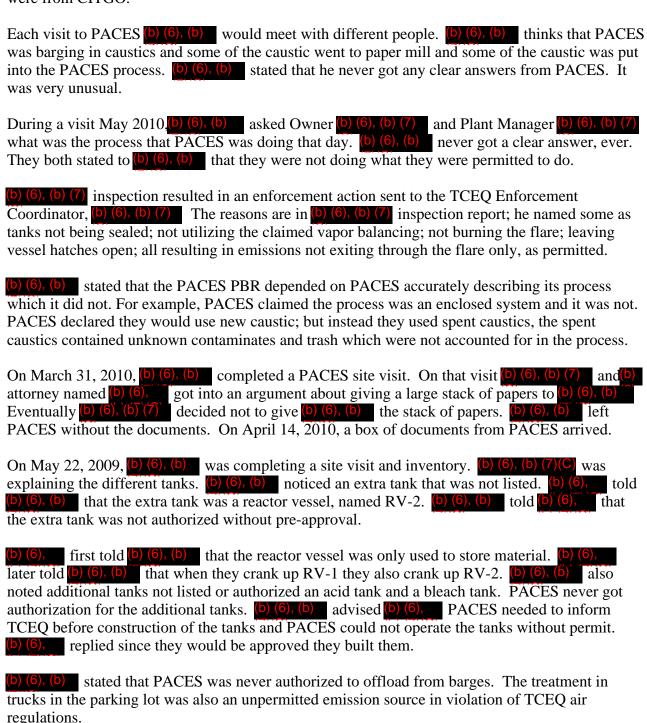
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were from CITGO.



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stated that he had never been to a facility that smelled as bad as PACES. (b) (6), (b) stated that the smell at PACES was from Hydrogen Sulfide (H2S), not mercaptans. The smell was so bad, that (b) (6), (b) nearly vomited from the smell on occasion while on site. (b) (6), (b) stated that a Manager named (b) (6), (b) (7) at the neighboring facility, (b) (6), (b) (7) got sick from the

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PACES smell and claimed to have actually vomited from the smell.

(b) (6), (b) stated that (b) (6), (b) (7) was always tweaking and evolving what PACES was doing. PACES did not do what they were permitted to do. (b) (6), (b) stated that (b) (6), (b) (7) did not seem to get that permits need followed and had a purpose. When permits are ignored and facilities just do what they want, people can get hurt. When the permits are complied with it is better for all persons involved and the pollution is kept to a minimum.

(b) (6), (b) stated that TCEQ gets many complaints. Sometimes they are neighbors that are mad, or people that don't understand the regulations, or smell complaints that are gone upon arrival.

(b) (6), (b) stated that when he went to PACES the smell would still remain and was very strong. Most facilities will also fix issues related to valid complaints. PACES did not respond like most facilities; (b) (6), (b) (7)(C) told (b) (6), (b) that 9 complaints was nothing. (b) (6), (b) stated that for PACES small size, they received a large amount of complaints.